

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN K. BARNER,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 07-98 Erie
	)	
WARDEN, FCI McKEAN	)	
H.J. MARBERRY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Plaintiff's motion for temporary restraining order was received by the Clerk of Court on May 4, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, entered orally on the record on May 22, 2007 [8] and [11] recommends that Plaintiff's motion for temporary restraining order [1] be denied. The parties were allowed ten (10) days in which to file objections. Plaintiff's objections [15] were filed on June 21, 2007 and exhibits [16] and [17] were filed on July 3 and 5, 2007.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 13<sup>th</sup> Day of July, 2007, IT IS HEREBY ORDERED that the Plaintiff's motion for temporary restraining order [1] is DENIED.

The oral report and recommendation of Chief Magistrate Judge Baxter entered on the record on May 22, 2007 [8] and [11] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN  
United States District Judge

cm: all parties of record  
Chief U.S. Magistrate Judge Susan Paradise Baxter